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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,474	01/09/2004	Vincent Muniere	Q79100	6433

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EXAMINER

DOAN, PHUOC HUU

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/753,474

Applicant(s)

MUNIERE, VINCENT

Examiner

PHUOC H. DOAN

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Attached an Office Action.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/26/2006 have been fully considered but they are not persuasive.

Response to Applicant's remarks: the Examiner agree the previous Office Action should be an "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action" in the Conclusion. However, it should not be a required the Examiner to withdraw the finality.

Applicant's remarks: Applicant editorially amended claims 1-9, and 11 for better conformity with the US practice (See Remarks on pages 8-9). The claim has been changed the scope of invention based on the original claim, for example: claim 1 has been change the scope such as to added "sending, by....; and adding, by...that is known at level of said core network entity", and deleted "which can be used,to perform a call admission control at the radio level" which mean the claim has been changed the scope of invention based on the original claim.

Applicant's remarks: There is no discussion as to what is in this message, and more importantly it is not the message described in par. [0096].

Examiner's response: the par. [0096] more specific in detail which is the message have communicated by the segment that send and response between SGSN and BSS/RAN to define QoS (Quality of Service) parameter combination in the **radio access bearer message**.

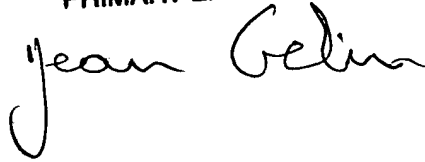
The Examiner will be appreciated that the discussion should directly to the point in the claim invention (See Remarks pages 10-11) the Applicant keep point out "**the message**" rather than argue directly to the claim and the prior art such as "**the setting up or reconfiguration of a radio bearer for a packet session**". Also, the claim 13 has been canceled, there is better not to have the argument.

Applicant's remarks: Hamiti does not at any point suggest that this message should include both information derived from the QoS information contained in a request received by the SGSN as well as information known at the level of SGSN and added to the message.

Examiner's response: Hamiti discloses the information derived from the QoS information which predefined QoS parameter combination in the radio access bearer message to provide unambiguous information to the GERAN based on the header removal can be utilized that contained in a request received by the SGSN as well as information known at the level of SGSN

and added to the message. The BSS/GERAN generates a radio bearer setup message, indicated by the segment of packet in communication to provide the Quality of Service information (page 9, par. [0097-0098]).

**JEAN GELIN
PRIMARY EXAMINER**

A handwritten signature in cursive script that reads "Jean Gelin". The signature is written in black ink and is positioned below the printed name and title.